

## **RESOLUTION NO. 2018-03**

### **RESOLUTION OF THE TOWN OF WHITESTOWN, INDIANA, RELATING TO THE FINANCING OF THE PROPOSED SOUTH MAIN STREET PARK PROJECT AND APPROVING A FORM OF TAXPAYER PETITION IN CONNECTION THEREWITH**

WHEREAS, the Town of Whitestown, Indiana (the “Town”) has thoroughly studied and considered the acquisition, construction, improvement, equipping, financing and leasing of a municipal park to be located off of Main Street in the Town that would include, among other amenities, parking, trails, shelters with restrooms, playground facilities, a splash pad, tennis and basketball courts, athletic fields and a sled hill (collectively, the “South Main Street Park Project”), as more particularly described in the rendering thereof attached hereto as Exhibit A; and

WHEREAS, the Town Council of the Town (the “Council”) finds that the Town should now commence the process necessary to provide for the financing and leasing of the South Main Street Park Project under the provisions of Indiana Code 36-1-10 and 6-1.1-20, each as amended, and other applicable laws (collectively, the “Act”); and

WHEREAS, pursuant to the Act, the Council finds that it is necessary to (i) recognize the Whitestown Municipal Facilities Building Corporation (the “Building Corporation”), an Indiana nonprofit corporation, as the issuer of the bonds and/or notes in the par amount not to exceed \$5,000,000 to finance the South Main Street Park Project to be leased to the Town in accordance with the Act and (ii) approve a form of taxpayer petition in support of the acquisition, construction, improvement, equipping, financing and leasing of the South Main Street Park Project;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Whitestown, Indiana, as follows:

Section 1. The Council hereby recognizes the Building Corporation as the proposed issuer of the bonds and/or notes to finance the South Main Street Park Project to be leased by the Building Corporation to the Town in accordance with the Act.

Section 2. The Council hereby approves the form of taxpayer petition in support of the acquisition, construction, improvement, equipping, financing and leasing of the South Main Street Park Project pursuant to the Act, as attached hereto as Exhibit B (the “Taxpayer Petition”). The Town Manager and Clerk-Treasurer of the Town are each hereby directed to make counterparts of the Taxpayer Petition, together with instructions with respect thereto, available to any taxpayers of the Town requesting copies of the same. The Taxpayer Petition may be circulated in one or more counterparts by taxpayers of the Town for signature by other taxpayers of the Town and shall be filed with the Town Manager and/or Clerk-Treasurer.

Section 3. Upon receipt of at least 50 taxpayer signatures on the Taxpayer Petition, the Town Manager or the Clerk-Treasurer shall file the Taxpayer Petition, including counterparts thereof, with the Boone County Auditor for certification.

Section 4. The Council hereby authorizes the Town Manager and Clerk-Treasurer, together with the Town's municipal advisor, legal counsel, bond counsel, and such other staff members and consultants as they deem necessary, to take all steps necessary under the Act to carry out the intent of this resolution, including the acquisition, construction, improvement, equipping, financing and leasing of the South Main Street Park Project.

Section 5. This resolution shall be effective as of the date of its adoption.

Passed and adopted by the Town Council of the Town of Whitestown, Indiana on this 10<sup>th</sup> day of January, 2018.

TOWN OF WHITESTOWN, INDIANA  
TOWN COUNCIL

\_\_\_\_\_  
President

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

ATTEST:

\_\_\_\_\_  
Matt Sumner, Clerk-Treasurer

## EXHIBIT A

### *Rendering of South Main Street Park Project*



## **EXHIBIT B**

### *Form of Taxpayer Petition*

INSTRUCTIONS  
REGARDING CIRCULATION  
OF A PETITION TO ENTER INTO A LEASE

1. Those who circulate a lease petition to obtain signatures must be Taxpayers of the Town which is to enter into the lease.
2. Whoever circulates a counterpart of the petition and executes the verifying affidavit attached thereto must also sign the petition.
3. Only one person can circulate each counterpart; the counterparts cannot be passed on from one person to another.
4. One person cannot sign for another. A husband and wife owning real estate jointly are each qualified signers, and it is not necessary for each to sign in order for the other to constitute a valid signer; however, each must sign separately if the signatures are to be counted as two separate signatures. In such cases, the wife should not sign as "Mrs. Joe Jones," but should sign her own name, thus "Mary Jones."
5. The signatures must be obtained in the presence of the person circulating the counterpart.

**PETITION OF TAXPAYERS  
COUNTERPART NO. \_\_\_\_\_**

To:

Town Council of the Town of Whitestown, Indiana  
Whitestown Municipal Complex  
6210 Veterans Drive  
Whitestown, Indiana 46075

Ladies and Gentlemen:

We, the undersigned taxpayers of the Town of Whitestown, Indiana (the “Town”), hereby petition to the Town Council of the Town to enter into negotiations for (1) the acquisition, construction, improvement and equipping by the Whitestown Municipal Facilities Building Corporation (the “Building Corporation”) of a municipal park located off of Main Street in the Town and including, but not limited to, all or any portion of trails, parking, basketball courts, tennis courts, playground, splash pad, shelters and gathering areas with restrooms, sports fields and sledding hills, and all necessary and related improvements (collectively, the “South Main Street Park Project”); (2) the leasing by the Town of the South Main Street Park Project from the Building Corporation for the purpose of financing the South Main Street Park Project; and (3) the issuance of Bonds by the Building Corporation to pay certain costs of the South Main Street Park Project. We believe that a need exists for such facilities and that the Town cannot provide the necessary funds to pay the costs of such facilities required to meet the present need. We urge that action be taken as promptly as possible under Indiana Code 36-1-10 and 6-1.1-20 to secure the acquisition, construction, improvement, equipping and leasing of the needed facilities.

This petition may be circulated in several counterparts and all of said counterparts are to be considered as constituting one petition.

<u>SIGNATURE</u>	<u>PRINTED NAME</u>	<u>ADDRESS</u>	<u>PHONE NO.</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
8. _____	_____	_____	_____

<u>SIGNATURE</u>	<u>PRINTED NAME</u>	<u>ADDRESS</u>	<u>PHONE NO.</u>
9. _____	_____	_____	_____
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31. _____	_____	_____	_____
32. _____	_____	_____	_____
33. _____	_____	_____	_____
34. _____	_____	_____	_____
35. _____	_____	_____	_____
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37. _____	_____	_____	_____
38. _____	_____	_____	_____
39. _____	_____	_____	_____
40. _____	_____	_____	_____

<u>SIGNATURE</u>	<u>PRINTED NAME</u>	<u>ADDRESS</u>	<u>PHONE NO.</u>
41. _____	_____	_____	_____
42. _____	_____	_____	_____
43. _____	_____	_____	_____
44. _____	_____	_____	_____
45. _____	_____	_____	_____
46. _____	_____	_____	_____
47. _____	_____	_____	_____
48. _____	_____	_____	_____
49. _____	_____	_____	_____
50. _____	_____	_____	_____
51. _____	_____	_____	_____
52. _____	_____	_____	_____
53. _____	_____	_____	_____
54. _____	_____	_____	_____
55. _____	_____	_____	_____
56. _____	_____	_____	_____
57. _____	_____	_____	_____
58. _____	_____	_____	_____
59. _____	_____	_____	_____
60. _____	_____	_____	_____



STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF BOONE       )

\_\_\_\_\_, being first duly sworn upon his/her oath, deposes and  
says:

That he/she circulated the attached counterpart of the Petition of Taxpayers addressed to  
the Town Council of the Town of Whitestown, Indiana, and that all the signatures appearing on  
the attached counterpart of said petition were affixed in his/her presence and are true and lawful  
signatures of the persons signing said counterpart.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

STATE OF INDIANA       )  
                                  ) SS:  
COUNTY OF BOONE       )

Subscribed and sworn to before me, a Notary Public, in and for said County and State,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public  
Printed Name: \_\_\_\_\_

My Commission Expires:

\_\_\_\_\_

My County of Residence:

\_\_\_\_\_